

**2005 DRAFTING REQUEST**

**Bill**

Received: **09/22/2004**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 266-2213**

By/Representing: **Steinmetz**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **gmm**

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Steinmetz, BB0006 -

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**Topic:**

Eliminate Private Business/Prison Employment Program

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 12/28/2004	lkunkel 01/03/2005		_____			State
/1			chaugen 01/04/2005	_____	lemery 01/04/2005		State
/2	mdsida 01/26/2005	lkunkel 01/26/2005	rschluet 01/26/2005	_____	sbasford 01/26/2005		

FE Sent For:

**<END>**

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1/?	mdsida	/1 lmk 1/3	ch 1-3	ch 1/3 Rom			

FE Sent For:

<END>

BB0006

[NAME]  
Page 12  
September 21, 2004

Attachment 6

**FY05-07 Statutory Language Cover Sheet**

Topic:	Private Sector Ventures Program
Team:	Tax and Justice (TJ)
Contact:	Steinmetz
Agency:	DOC
Agency #:	410

Attachment 6

**DEPARTMENT OF CORRECTIONS  
2005-2007 Biennial Budget  
Statutory Language Request**

**Topic:** Private Sector Ventures Program

**Current Language**

Current language at §303.01(2)(em) provides that the Department of Corrections may, with the approval of the Joint Committee on Finance, lease space within the confines of its correctional institutions to not more than 2 private business to employ prison inmates to manufacture products or components or to provide services for sale on the open market.

Current language at §303.01(8)(b), (c), (d) and (e) relates to the disposition of earnings inmates, §303.01(11) relates to displacement in private sector ventures, and §303.06(3) relates to the sale of products produced from private sector ventures.

Current language at §20.410(1)(hm) provides the appropriation for moneys received under these private sector venture contracts and from which costs associated with the program are paid.

**Proposed Change**

Delete the language at §20.410(1)(hm), §303.01(2)(em), §303.01(8)(c) through (e); §303.01(11); and §303.06(3). Modify the language at §20.410(1)(km) and §303.01(8)(b) to eliminate the references to the program under §303.01(2)(em) and any other cites to eliminate this program. Provide an appropriation language change in Sec. 9210 that would transfer funding from appropriation under §20.410(1)(km) to the appropriation under §20.410(1)(hm) to eliminate the deficit in this appropriation.

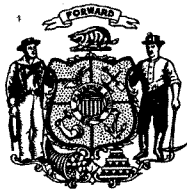
**Effect of the Change**

This change will eliminate the Private Sector Venture Program from DOC.

**Rationale for the Change**

There have been no Private Sector Venture Program businesses operating in Wisconsin since 2002. The two programs that did operate generated a negative cash flow to the Department. This proposal would eliminate the program and use available cash in prison industries appropriation to eliminate the deficit in the Private Sector Venture Program.

**Desired Effective Date:** Upon Passage of Bill  
**Agency:** DOC  
**Agency Contact:** Bob Nikolay  
**Phone:** 240-5405



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0252/2

MGD: *lwk*

DOA:.....Steinmetz, BB0006 - Eliminate Private Business/Prison  
Employment Program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

*1/3*

*LPS: PLS PWF*

*DoNotGen*

1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, the Department of Corrections (DOC) may lease space within adult or juvenile correctional institutions to one or two private businesses to employ inmates or residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate or resident employed under this program be used for compensating victims of crimes, supporting the person's dependents, and paying for the person's room and board, among other things. This bill eliminates DOC's authority to operate the private business prison employment program. ✓

✓ For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*1NS 1/0*  
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.



**SENATE AMENDMENT 112,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 44**

June 18, 2003 - Offered by Senator CHVALA.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 185, line 8: delete lines 8 and 9.

3 **2.** Page 311, line 7: after that line insert:

4 **SECTION 440g.** 20.410 (1) (gi) of the statutes is amended to read:

5 20.410 (1) (gi) *General operations.* The amounts in the schedule to operate  
6 institutions and provide field services and administrative services. All moneys  
7 received under s. 303.01 (8) that are attributable to moneys collected from earnings  
8 of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss.  
9 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation  
10 account. ✓

11 **SECTION 440m.** 20.410 (1) (hm) of the statutes is repealed. ✓

12 **SECTION 440n.** 20.410 (1) (km) of the statutes is amended to read:

INS  
1/0

INS  
2/0



1           20.410 (1) (km) *Prison industries*. The amounts in the schedule for the  
2 establishment and operation of prison industries, ~~but not including the program~~  
3 ~~under s. 303.01 (2) (em)~~. All moneys received from prison industries sales shall be  
4 credited to this appropriation. All moneys credited to this appropriation shall be  
5 expended first for the purpose under par. (ko). No expenditure may be made from this  
6 appropriation for the construction of buildings or purchase of equipment for new  
7 prison industries, except upon approval of the joint committee on finance after a  
8 determination that the moneys are needed and that no other appropriation is  
9 available for that purpose.

10           **3.** Page 339, line 17: after that line insert:

11           ~~"SECTION 560m. 20.455 (5) (i) of the statutes is repealed.~~

12           **SECTION 560t.** 20.455 (5) (kj) of the statutes is amended to read:

13           20.455 (5) (kj) *Victim payments, victim surcharge*. The amounts in the schedule  
14 for the payment of compensation and funeral and burial expenses awards to the  
15 victims of crimes under ch. 949. All moneys transferred from the appropriation  
16 account under par. (g) shall be credited to this appropriation account. If the  
17 department of justice determines that the total of the amounts in this appropriation  
18 account and the amounts for compensation and awards to victims of crime under ch.  
19 949 in the appropriation accounts under pars. (b), (h), (i) and (m) exceeds the amount  
20 needed to fully fund compensation and awards to victims of crimes under ch. 949, the  
21 department of justice may transfer moneys from this appropriation account to the  
22 appropriation account under par. (kk). The amount transferred to the appropriation  
23 account under par. (kk) may not exceed the amount by which the total amounts  
24 appropriated under this paragraph and pars. (b), (h), (i) and (m) for compensation

1 and awards to victims of crimes under ch. 949 exceed the amount needed to fully fund  
2 compensation and awards to victims of crimes under ch. 949."

3 **4.** Page 770, line 16: after that line insert:

4 ~~"SECTION 1953m.~~ 108.07 (8) (b) of the statutes is amended to read:

5 108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
6 and has employment with an employer other than the department of corrections or  
7 a private business leasing space within a state prison under s. 303.01 (2) (em), and  
8 the claimant's employment terminates because conditions of incarceration or  
9 supervision make it impossible to continue the employment, the department shall  
10 charge to the fund's balancing account any benefits based on the terminated  
11 employment that are otherwise chargeable to the account of an employer that is  
12 subject to the contribution requirements under ss. 108.17 and 108.18."

13 **5.** Page 806, line 3: after that line insert:

14 "SECTION 2045g. 132.13 (1) (a) of the statutes is renumbered 132.13 (1).

15 SECTION 2045r. 132.13 (1) (b) of the statutes is repealed."

16 **6.** Page 934, line 2: after that line insert:

17 "SECTION 2500m. 301.31 of the statutes is amended to read:

18 **301.31 Wages to prisoners.** The department may provide for assistance of  
19 prisoners on their discharge; for the support of their families while the prisoners are  
20 in confinement; or for the payment, either in full or ratably, of their obligations  
21 acknowledged by them in writing or which have been reduced to judgment by the  
22 allowance of moderate wages, to be paid from the operation, maintenance, farm and  
23 construction appropriations of the institution in which they are confined. Until the  
24 prisoner's final discharge, the funds arising from the wages shall be under the

NS 2/4

1 control of the officer in charge of the institution and shall be used for the benefit of  
2 the prisoner, the prisoner's family and other obligations specified in this section.  
3 Earnings by inmates working in the prison industries and the retention and  
4 distribution thereof shall be governed by ss. s. 303.01 (4) and (8) and 303.06 (2)."

5 **7.** Page 937, line 2: after that line insert:

6 **SECTION 2506gn.** 303.01 (2) (em) of the statutes is repealed.

7 **SECTION 2506kb.** 303.01 (8) (b) of the statutes is amended to read:

8 303.01 (8) (b) The department shall distribute earnings of an inmate or  
9 resident, ~~other than an inmate or resident employed under sub. (2) (em)~~, for the crime  
10 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency  
11 victim and witness assistance surcharge under s. 938.34 (8d) (c), and for the  
12 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance  
13 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or  
14 resident's dependents and for other obligations either acknowledged by the inmate  
15 or resident in writing or which have been reduced to judgment that may be satisfied  
16 according to law.

17 **SECTION 2506kg.** 303.01 (8) (c) of the statutes is repealed.

18 **SECTION 2506km.** 303.01 (8) (d) of the statutes is repealed.

19 **SECTION 2506kq.** 303.01 (8) (e) of the statutes is repealed.

20 **SECTION 2506ks.** 303.01 (11) of the statutes is repealed.

21 **SECTION 2506mg.** 303.06 (2) of the statutes is repealed.

22 **SECTION 2506mm.** 303.06 (3) of the statutes is repealed.

23 **8.** Page 937, line 3: after that line insert:

24 **SECTION 2507m.** 303.21 (1) (b) of the statutes is amended to read:

INS 2/4

1 303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
2 a structured work program away from the institution grounds under s. 302.15 or a  
3 secure work program under s. 303.063. Inmates are not included under par. (a) if  
4 they are ~~employed in a prison industry under s. 303.06 (2),~~ participating in a work  
5 release program under s. 303.065 (2) ~~participating in employment with a private~~  
6 ~~business under s. 303.01 (2) (em) or participating in the transitional employment~~  
7 program, but they are eligible for worker's compensation benefits under ch. 102.  
8 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are  
9 eligible for worker's compensation benefits under ch. 102.

10 ~~SECTION 2507r. 303.215 of the statutes is repealed."~~

11 **9.** Page 117, line 22: after that line insert:

12 ~~(3k) TRANSFER OF PRIVATE BUSINESS PRISON EMPLOYMENT APPROPRIATION BALANCE~~  
13 ~~Immediately before the effective date of this subsection,~~ the unencumbered balance  
14 in the appropriation account under section 20.410 (1) (hm) ~~of the statutes,~~ as affected  
15 by this act, is transferred to the appropriation account under section 20.410 (1) (km)  
16 of the statutes, as affected by this act.

17 (END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0252/1

MGD:lmk:ch

D-Note

TODAY

DOA:.....Steinmetz, BB0006 - Eliminate Private Business/Prison  
Employment Program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT Gm

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC may lease space within adult or juvenile correctional institutions to one or two private businesses to employ inmates or residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate or resident employed under this program be used for compensating victims of crimes, supporting the person's dependents, and paying for the person's room and board, among other things. This bill eliminates DOC's authority to operate the private business prison employment program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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1           20.410 (1) (gi) *General operations*. The amounts in the schedule to operate  
2 institutions and provide field services and administrative services. All moneys  
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4 ~~of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss.~~  
5 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation  
6 account.

7           **SECTION 2.** 20.410 (1) (hm) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 3.** 20.410 (1) (km) of the statutes is amended to read:

9           20.410 (1) (km) *Prison industries*. The amounts in the schedule for the  
10 establishment and operation of prison industries, ~~but not including the program~~  
11 ~~under s. 303.01 (2) (em)~~. All moneys received from prison industries sales shall be  
12 credited to this appropriation. All moneys credited to this appropriation shall be  
13 expended first for the purpose under par. (ko). No expenditure may be made from this  
14 appropriation for the construction of buildings or purchase of equipment for new  
15 prison industries, except upon approval of the joint committee on finance after a  
16 determination that the moneys are needed and that no other appropriation is  
17 available for that purpose.

18           **SECTION 4.** 20.455 (5) (i) of the statutes is amended to read:

19           20.455 (5) (i) *Victim compensation, inmate payments*. All moneys received  
20 under s. 303.06 (2) and ~~(3)~~ for the administration of ch. 949 and for crime victim  
21 compensation payments or services.

22           **SECTION 5.** 108.07 (8) (b) of the statutes is amended to read:

1           108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
2           and has employment with an employer other than the department of corrections or  
3           ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~  
4           the claimant's employment terminates because conditions of incarceration or  
5           supervision make it impossible to continue the employment, the department shall  
6           charge to the fund's balancing account any benefits based on the terminated  
7           employment that are otherwise chargeable to the account of an employer that is  
8           subject to the contribution requirements under ss. 108.17 and 108.18.

9           **SECTION 6.** 303.01 (2) (em) of the statutes is repealed.

10          **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

11           303.01 (8) (b) The department shall distribute earnings of an inmate or  
12           ~~resident, other than an inmate or resident employed under sub. (2) (em),~~ for the crime  
13           victim and witness assistance surcharge under s. 973.045 (4), for the delinquency  
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17           resident's dependents and for other obligations either acknowledged by the inmate  
18           or resident in writing or which have been reduced to judgment that may be satisfied  
19           according to law.

20          **SECTION 8.** 303.01 (8) (c) of the statutes is repealed.

21          **SECTION 9.** 303.01 (8) (d) of the statutes is repealed.

22          **SECTION 10.** 303.01 (8) (e) of the statutes is repealed.

23          **SECTION 11.** 303.01 (11) of the statutes is repealed.

24          **SECTION 12.** 303.06 (3) of the statutes is repealed.

25          **SECTION 13.** 303.21 (1) (b) of the statutes is amended to read:

FOR NOTE: This is reconciled s. 303.01 (8)(c). It has been affected  
by drafts with the following LRB #s: LRB-0252 and LRB-1417.

1           303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
2   a structured work program away from the institution grounds under s. 302.15 or a  
3   secure work program under s. 303.063. Inmates are not included under par. (a) if  
4   they are employed in a prison industry under s. 303.06 (2), participating in a work  
5   release program under s. 303.065 (2), ~~participating in employment with a private~~  
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7   program, but they are eligible for worker's compensation benefits under ch. 102.  
8   Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are  
9   eligible for worker's compensation benefits under ch. 102.

10           **SECTION 9209. Appropriation changes; corrections.**

11           (1) PRIVATE BUSINESS PRISON EMPLOYMENT PROGRAM. The unencumbered balance  
12   in the appropriation account under section 20.410 (1) (hm), 2003 stats., is transferred  
13   to the appropriation account under section 20.410 (1) (km) of the statutes.

14                           (END)





**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**  
(date)

LRB-0252/2dn  
MGD: *lmk*

Jana Steinmetz and Dennis Rhodes:

This draft reconciles LRB-0252/1<sup>✓</sup> and LRB-1417/P3<sup>✓</sup>. Both of these drafts should continue to appear in the compiled bill. ✓

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

Cathlene Hanaman  
Legislative Attorney  
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E-mail: cathlene.hanaman@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
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LRB-0252/2dn  
MGD:lmk:rs

January 26, 2005

Jana Steinmetz and Dennis Rhodes:

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Michael Dsida  
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Phone: (608) 266-9867

Cathlene Hanaman  
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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0252/2

MGD:lmk:rs

DOA:.....Steinmetz, BB0006 - Eliminate Private Business/Prison  
Employment Program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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5 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation  
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7           **SECTION 2.** 20.410 (1) (hm) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
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17 available for that purpose.

18          **SECTION 4.** 20.455 (5) (i) of the statutes is amended to read:

19          20.455 (5) (i) *Victim compensation, inmate payments.* All moneys received  
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22          **SECTION 5.** 108.07 (8) (b) of the statutes is amended to read:

1           108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
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9           **SECTION 6.** 303.01 (2) (em) of the statutes is repealed.

10          **SECTION 7.** 303.01 (8) (c) of the statutes is repealed.

          \*\*\*\*NOTE: This is reconciled s. 303.01 (8) (c). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0252 and LRB-1417.

11          **SECTION 8.** 303.01 (8) (d) of the statutes is repealed.

12          **SECTION 9.** 303.01 (8) (e) of the statutes is repealed.

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19           they are employed in a prison industry under s. 303.06 (2), participating in a work  
20           release program under s. 303.065 (2), ~~participating in employment with a private~~  
21           ~~business under s. 303.01 (2) (em) or participating in the transitional employment~~  
22           program, but they are eligible for worker's compensation benefits under ch. 102.

1 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are  
2 eligible for worker's compensation benefits under ch. 102.

3 **SECTION 9209. Appropriation changes; corrections.**

4 (1) PRIVATE BUSINESS PRISON EMPLOYMENT PROGRAM. The unencumbered balance  
5 in the appropriation account under section 20.410 (1) (hm), 2003 stats., is transferred  
6 to the appropriation account under section 20.410 (1) (km) of the statutes.

7 (END)